

## **Defund Hate during COVID-19: Divest from Enforcement, Invest in Immigrant Communities**

Amid an ongoing COVID-19 pandemic, public health experts and medical professionals have warned about the dangers of continued immigration enforcement, detention, and wall construction. Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have repeatedly proven to be incapable of adequately responding to outbreaks of contagious diseases and providing the proper care for people in custody under even ordinary circumstances. Now facing a global health crisis, these agencies are even less prepared to manage an infectious outbreak, and their actions are putting immigrant families, borderlands communities, and the general public at risk. In any legislative measures Congress decides to move forward, they must prioritize resources and push for policies that actually keep people safe.

**As Congress considers another stimulus package to address the pandemic, they must divest from all immigration enforcement and invest in the health and safety of immigrants and border communities.**

The administration has put lives in jeopardy and threatened public safety by continuing widespread immigration enforcement and detention during the COVID-19 pandemic. People locked up in immigration detention are extremely vulnerable to the spread of infectious disease as they are unable to take basic precautions to protect themselves, while people in danger of being targeted by enforcement operations, including while in transit to medical facilities, will be less likely to seek the care they may need. To the extent that migrants in and out of custody are exhibiting symptoms, they should be able to freely receive treatment from medical professionals in the appropriate clinical settings, rather than from enforcement agencies intent on harming immigrants and border communities.

Along with advocates, public health experts have sounded the alarm against more funding for DHS, urging instead for stemming the inflow of people into its custody and releasing immigrants currently detained, while protecting access for individuals to pursue legal processes for seeking asylum. These agencies have full authority to mass release people into the community, where they can best observe health and safety precautions. There are networks of community-based service providers already mobilizing to facilitate releases during this time. Yet, ICE and CBP refuse to heed this clear guidance, so it is on Congress to ensure that their actions are halted in favor of real solutions.

**DIVEST from all immigration enforcement in the next COVID-19 stimulus package by:**

- Ensuring that NO supplemental funds are provided to ICE or CBP, and that no additional or previously appropriated funds are used for the construction of so-called “quarantine facilities” or for the use of existing facilities for such purposes.
- Including strict restrictions on DHS’ and the administration’s ability to transfer any funds appropriated in a funding package for immigration enforcement, detention, or border wall construction.

- Directing DHS to suspend all civil immigration enforcement during the course of the pandemic, including halting all deportations, transfers of people from federal, state or local criminal custody to ICE custody, and all collateral arrests.
- Requiring ICE and CBP to use available discretionary powers to release all immigrants from detention, including release on recognizance, parole, into the care of community sponsors, or other powers allowing for release notwithstanding other provisions of law.
- Prohibiting CBP from subjecting immigrants to prolonged detention while ensuring access to asylum.
- Requiring ICE and CBP to publicly report on a continual basis the number of staff or people in its custody who have contracted COVID-19, including third party contractors and people held in ICE and CBP jails on behalf of other law enforcement agencies.
- Requiring ICE to provide free and unlimited access to health and sanitary supplies and free phone access to counsel and loved ones while people remain in custody.
- Halt border wall construction efforts that put border communities, workers and the general public at heightened risk and wastes diverted federal resources.

Immigrant communities are on the front lines facing the COVID-19 pandemic as a large part of the country's essential workforce, including farmworkers and healthcare employees. Yet so far, they've been excluded from receiving relief. Immigrants should not face discrimination in accessing medical care or economic assistance due to their status or native language, and allowing this is only to the detriment of our communities. Beyond ensuring that immigrants do not face active harm at the hands of ICE and CBP, Congress must protect them by ensuring they are accounted for in any legislative relief package. Investing in immigrant communities is investing in the health and safety of us all.

**INVEST in immigrant communities and public health in the next COVID-19 package by:**

- Providing no-cost testing and treatment for all, including immigrants regardless of status.
- Ensuring that testing, treatment and vaccines (when available) for COVID-19 are covered under emergency Medicaid, ensuring that these services are not taken into consideration for purposes of a public charge determination.
- Providing cash payments to individuals who file taxes with an ITIN and refugees who arrived in FY 2019 and 2020 and creating a process for those who are not required to file taxes but are otherwise eligible.
- Including measures to protect all workers regardless of immigration status, including automatic extensions of work permits and immigration benefits, federal workplace safety standards, improved paid sick, family, and medical leave, and economic protections.
- Ensuring that community-based organizations already working to facilitate releases from ICE and CBP detention are equipped with the financial and material resources they need to meet the challenges presented by COVID-19, including personal protective equipment, temporary housing, and safe means of transportation.
- Providing \$642 million in Refugee and Entrant Assistance (REA) for resettlement services (including for cash and medical assistance, housing/rent, utilities, transportation, food, and health needs unavailable through normally operating public channels).

## SOURCES

### Advocate Reports on ICE and CBP during COVID-19

- Detention Watch Network, “Courting Catastrophe: How ICE is Gambling with Immigrant Lives Amid a Global Pandemic,” Mar. 2020, [https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN\\_Courting%20Catastrophe\\_How%20ICE%20is%20Gambling%20with%20Immigrant%20Lives%20Amid%20a%20Global%20Pandemic.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN_Courting%20Catastrophe_How%20ICE%20is%20Gambling%20with%20Immigrant%20Lives%20Amid%20a%20Global%20Pandemic.pdf)
- Amnesty International, “USA: ‘We Are Adrift, About to Sink’: The Looming COVID-19 Disaster in United States Immigration Detention,” Apr. 2020, <https://www.amnesty.org/download/Documents/AMR5120952020ENGLISH.PDF>
- Freedom for Immigrants. “COVID-19 in ICE Custody: Bi-weekly Analysis and Update.” April 14, 2020. <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5e970e31c166a47008b8cc3d/1586957874230/FFI+April+14+COVID-19+FINAL.pdf>

### Public Health Experts and Medical Professionals on COVID-19 and Immigration Detention:

- New York Lawyers for the Public Interest Medical Providers Network and Doctors for Camp Closure, “Open Letter to ICE from Medical Professionals Regarding COVID-19,” Mar. 2020, [https://docs.google.com/document/d/1eNyNmy-622OjVILFSwgypITPK0eAt5yLgSkS\\_7\\_0vv8/mobiledoc](https://docs.google.com/document/d/1eNyNmy-622OjVILFSwgypITPK0eAt5yLgSkS_7_0vv8/mobiledoc).
- Physicians for Human Rights, Amnesty International, and Human Rights Watch, “Human Rights Advocates with Medical and Legal Expertise Call on Governors, State Health Officials to Direct Reduction, Release of Immigration Detainees to Prevent Coronavirus Spread,” Mar. 17, 2020, <https://phr.org/news/human-rights-advocates-with-medical-and-legal-expertise-call-on-governors-state-health-officials-to-direct-reduction-release-of-immigration-detainees-to-prevent-coronavirus-spread/>.

### Inadequate Medical Care in ICE and CBP:

- Human Rights Watch, “Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention,” Jun. 20, 2018, <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerouslysubstandard-medical-care-immigration>
- Priscilla Alvarez, CNN, “5,200 people in ICE custody quarantined for exposure to mumps or chicken pox,” Jun. 14, 2019, <https://www.cnn.com/2019/06/14/politics/mumps-chicken-pox-quarantine-ice/index.html>
- Mitch Blunt, Human Rights Watch, “Systemic Indifference: Dangerous and Substandard Medical Care in US Immigration Detention,” May 8, 2017, <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangeroussubstandard-medical-care-us-immigration-detention>.

### Harms of Ongoing Wall Construction to Border Communities, Workers and General Public

- Letter: 100+ NGOs call on Trump admin to halt all border wall construction during COVID19. March 25, 2020 <https://texascivilrightsproject.org/wp-content/uploads/2020/03/Sign-On-Letter-Calling-for-DOJ-DHS-DOD-to-Halt-Border-Wall-Construction-During-COVID-19.pdf>
- Simon Romero, New York Times, “Arizona Border Wall Work Ignites Coronavirus Fears,” April 1, 2020. <https://www.nytimes.com/2020/03/31/us/coronavirus-border-wall-arizona.html>